

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN DOE,

Plaintiff,

v.

HARVARD UNIVERSITY, HARVARD
UNIVERSITY BOARD OF OVERSEERS,
THE PRESIDENT AND FELLOWS OF
HARVARD COLLEGE, and BRIGID
HARRINGTON, in her individual and official
capacity,

Defendants.

Civil Action No. 1:18-cv-12150-IT

Leave to file under seal granted January 4,
2019

DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Rule 7.1(b) of the Local Rules of the United States District Court for the District of Massachusetts, Defendants Harvard University, President and Fellows of Harvard College,¹ and Brigid Harrington, by and through their undersigned attorneys, hereby move this Court for an Order dismissing Plaintiff John Doe's Complaint in its entirety. The grounds for this motion are set forth in the accompanying Memorandum of Law.

REQUEST FOR ORAL ARGUMENT

Pursuant to Rule 7.1(d) of the Local Rules of the United States District Court for the District of Massachusetts, Defendants hereby request oral argument in connection with this Motion on the ground that such argument may assist the Court in connection with the issues presented herein.

RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), undersigned counsel for Defendants certifies that Defendants' counsel has conferred in good faith with counsel for Plaintiff in an effort to resolve or narrow the issues presented in this Motion.

WHEREFORE, Defendants respectfully request that this Court issue an Order dismissing the Complaint with prejudice.

¹ Plaintiff also named Harvard's Board of Overseers as a Defendant in his Complaint. Because the Board of Overseers is not a corporate entity with any legal status, the parties jointly filed a stipulation to dismiss the Board of Overseers as a party. Dkt. No. 14.

Dated: January 4, 2019

Respectfully submitted,

/s/ Apalla U. Chopra

Apalla U. Chopra (*pro hac vice*)
achopra@omm.com
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, California 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

Patrick D. McKegney (*pro hac vice*)
pmckegney@omm.com
O'MELVENY & MYERS LLP
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061

Bradley N. Garcia (*pro hac vice*)
bgarcia@omm.com
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414

Victoria L. Steinberg, BBO #666482
Joseph M. Cacace, BBO #672298
TODD & WELD LLP
One Federal Street
Boston, MA 02110
Telephone: (617) 624-4714
Facsimile: (617) 624-4814
vsteinberg@toddweld.com
jcacace@toddweld.com

*Attorneys for Defendants,
Harvard University, President and Fellows of
Harvard College, and Brigid Harrington*

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 4, 2019.

/s/ Apalla U. Chopra

Apalla U. Chopra (*pro hac vice*)